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EXAMINER

LY, CHEYNE D

ART UNIT	PAPER NUMBER
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2168

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/602,965

Applicant(s)

GOMES ET AL.

Examiner

Cheyne D. Ly

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-52, 54, 55, 57, 58 and 60-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-52, 54, 55, 57, 58, and 60-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicants' arguments filed March 19, 2007 have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.
2. The addition of new claims 62-71 has been entered.
3. Claims 46-52, 54, 55, 57, 58, and 60-71 are examined on the merits.

RESPONSE TO ARGUMENTS

4. The rejections of records have been withdrawn as necessitated by claim amendments. Therefore, Applicant's arguments, pages 9-10, directed to withdrawn claims are moot. The instant rejections set forth below have been necessitated by the claim amendments.
5. On pages 10-11, Applicant argues that Thomson describes removing duplicate documents, such duplicates are identified by comparing an author,...and not by using a keyword from a query. Applicant's argument is not persuasive because the method of Thomson is directed to "Duplicate documents may be identified by matching information associated with a document such as key words in the title, authors, and date of publication. Alternately, redundant abstracts of a single title may be stored as unique text segments of a single document" (column 10, lines 12-14). Therefore, newly cited Niwa in view of Thomson renders the claimed invention obvious over the cited prior art as discussed below.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 62 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 62 recites the limitation "the acts" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 62 and 63 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. NEW MATTER.

11. Claim 62, lines 2-3, the limitation of "the method are performed automatically, without the need for user intervention" has not been found in the instant specification. The pointed to support of Figures 9, 10, and 14 have been considered; however, said figures do not provide written basis for the new limitation as originally filed. For example, the instant specification describes Figure 10 on pages 21-23 wherein user intervention is needed via user requests.

via RETURN node 1080. The final set may be incrementally updated in groups of a predetermined number (e.g., ten) of results, where a next group of results is determined only if the user requests more results.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

13. Claims 46, 49, 51, 54, 55, 57, 58, 60, 61, 64, 65, 68, and 69 are rejected under 35 U.S.C. 102(a) as being anticipated by Niwa et al. (US 5,987,460A) (Niwa hereafter).

14. In regard to claim 46, Niwa describes a method for processing search results that have been generated based on a query including one or more keywords, the method comprising:

- a) accepting the search results (column 5, lines 42-43, especially, “documents including all of the requisite keywords are retrieved” and column 6, lines 5-8, “electronic publishing”);
- b) accepting at least one of the one or more keywords included in the query that was used to generate the search result (column 16, lines 22-31, especially, “electronic publishing”;
- and
- c) generating a set of final search results from the accepted search results using segments of the search results, wherein each of the segments includes at least one of the accepted at least one keyword (column 16, lines 35-37, “desk top publishing to the positive keywords, to narrow the search” which has been interpreted as generating a “a set of final search results”).

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15. In regard to claims 49 and 51, Niwa describes the computer-readable medium and apparatus (Figure 21A in its entirety) for implementing the above cite method.

16. In regard to claims 54, 57, and 60, Niwa describes using comparisons of the segments of the search results (column 9, lines 52-53, especially, "frequency ratio").

17. In regard to claims 55, 58, and 61, Niwa describes the set of final search results includes Web pages (column 18, line 58, to column 19, line 17, especially, "WWW browser...hyper text").

18. In regard to claims 64, 65, 68, and 69, Niwa describes the segments are windows defined by a predetermined of words (column 12, lines 38-67, especially, "display region" as directed to topic words and document frequency).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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21. Claims 47, 48, 50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa et al. (US 5,987,460A) (Niwa hereafter) as applied to claims 46, 49, 51, 54, 55, 57, 58, 60, 61, 64, 65, 68, and 69 above, and further in view of Thomson (US 5634051 A).

MOTIVATION TO COMBINE

22. Thomson describes an improvement for reducing the amount of time and cost required retrieving relevant results (Abstract). While, Niwa describes an improvement to document retrieval systems by proposing a set of topics contained in a retrieved document group on real time (column 2, lines 1-3). One of ordinary skill in the art at the time of the invention would have been motivated by Thomson to improve the information retrieval apparatus and method of Niwa to reduce the amount of time and cost required to retrieve relevant results.

BASIS FOR PRIOR ART

23. In regard to claim 47, Niwa describes all the limitations of the claim except for the determining of steps 1) and 2). Thomson describes determining, using the accepted at least one keyword, whether or not a candidate search result is similar to a search result already in the set of final results, and if it is determined that the candidate search result is similar to a search result already in the set of final search results, then not adding the candidate search result to the set of final search results (column 4, line 55, to column 5, line 12, and column 10, lines 1-16, and lines 31-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to make and use the method and apparatus of Niwa and Thomson to reduce the amount of time and cost required to retrieve relevant results.

24. In regard to claims 48, 50, and 52. Niwa describes all the limitations of the claims except for the determining of steps 1) and 2). Thomson describes determining, using the accepted at

least one keyword, whether or not a candidate search result is similar to a search result already in the set of final results, and adding the search results to the set of final search results only if it is determined that the candidate search result is not similar to any search results already in the set of final search result (column 4, line 55, to column 5, line 12, and column 10, lines 1-16, and lines 31-48). Thomson describes a method which “at the time of loading duplicate documents from the multiple sources preferably are identified and removed so that the results from a search query will not include redundant or duplicate document...” Therefore, Thomson suggests the loading of non-redundant search results or search results that is not similar to any search results already in the final set of search results. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to make and use the method and apparatus of Niwa and Thomson to reduce the amount of time and cost required to retrieve relevant results.

25. Claims 62 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa et al. (US 5,987,460A) (Niwa hereafter).

26. Niwa describes the claimed invention as applied to claims 46, 49, 51, 54, 55, 57, 58, 60, 61, 64, 65, 68, and 69 as discussed above.

27. However, Niwa does not describe the limitation of “the final results generator operates automatically, without the need for user intervention.”

28. Niwa describes “a method is proposed, comprising automatically extracting related information from retrieval results and providing the information to a user” (column 1, lines 52-55). One of ordinary skill in the art at the time of the invention would have motivated by Niwa to automate the generation of the final results without the need for user intervention.

Therefore, it would have been obvious to one of ordinary skill in the art to automate the generation of Niwa to produce final results without the need for user intervention.

29. Further, the court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art. See *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

30. Claims 66, 67, 70, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa et al. (US 5,987,460A) (Niwa hereafter) as applied to claims 46, 49, 51, 54, 55, 57, 58, 60, 61, 64, 65, 68, and 69 above, and further in view of Sakuta (US 5,940,842A).

MOTIVATION TO COMBINE

31. Niwa describes an improvement to document retrieval systems by proposing a set of topics contained in a retrieved document group on real time and displaying topic words characteristically appearing in a document group in a graph form or a list form (column 2, lines 1-5). Sakuta describes an improvement to expand the display range to making it easy for the searcher to determine whether the located character string is a character string which the searcher really needs (column 1, line 65, to column 2, line 6). One of ordinary skill in the art at the time of the invention would have been motivated by Sakuta to improve the information retrieval apparatus and method of Niwa to making it easy for the searcher to determine whether the located character string is a character string which the searcher really needs.

BASIS FOR PRIOR ART

32. In regard to claims 66, 67, 70, and 71, Niwa describes the claimed invention except for the limitation of “the segments are sentences” or “paragraphs. Sakuta describes expanding

the display range of the search results to include sentences and paragraphs (column 4, lines 5-20, especially, "a paragraph containing the sentence previously retrieved..." Therefore, it would have been obvious to one of ordinary skill to use the method of Niwa by expanding the display range of the search results to include sentences and paragraphs as described by Sakuta to making it easy for the searcher to determine whether the located character string is a character string which the searcher really needs.

CONCLUSION

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

34. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

35. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number

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is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

36. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

38. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

C. Dune Ly
Patent Examiner
6/24/07

